

IV. B. What Are ARARs?

Statutory Requirements

What are ARARs?

- Federal environmental standards
- More stringent state standards

What Are ARARs?

Determining ARARs

Must determine if requirements are:

- “Applicable” or
- “Relevant and appropriate” or
- Information “to be considered” (TBC)

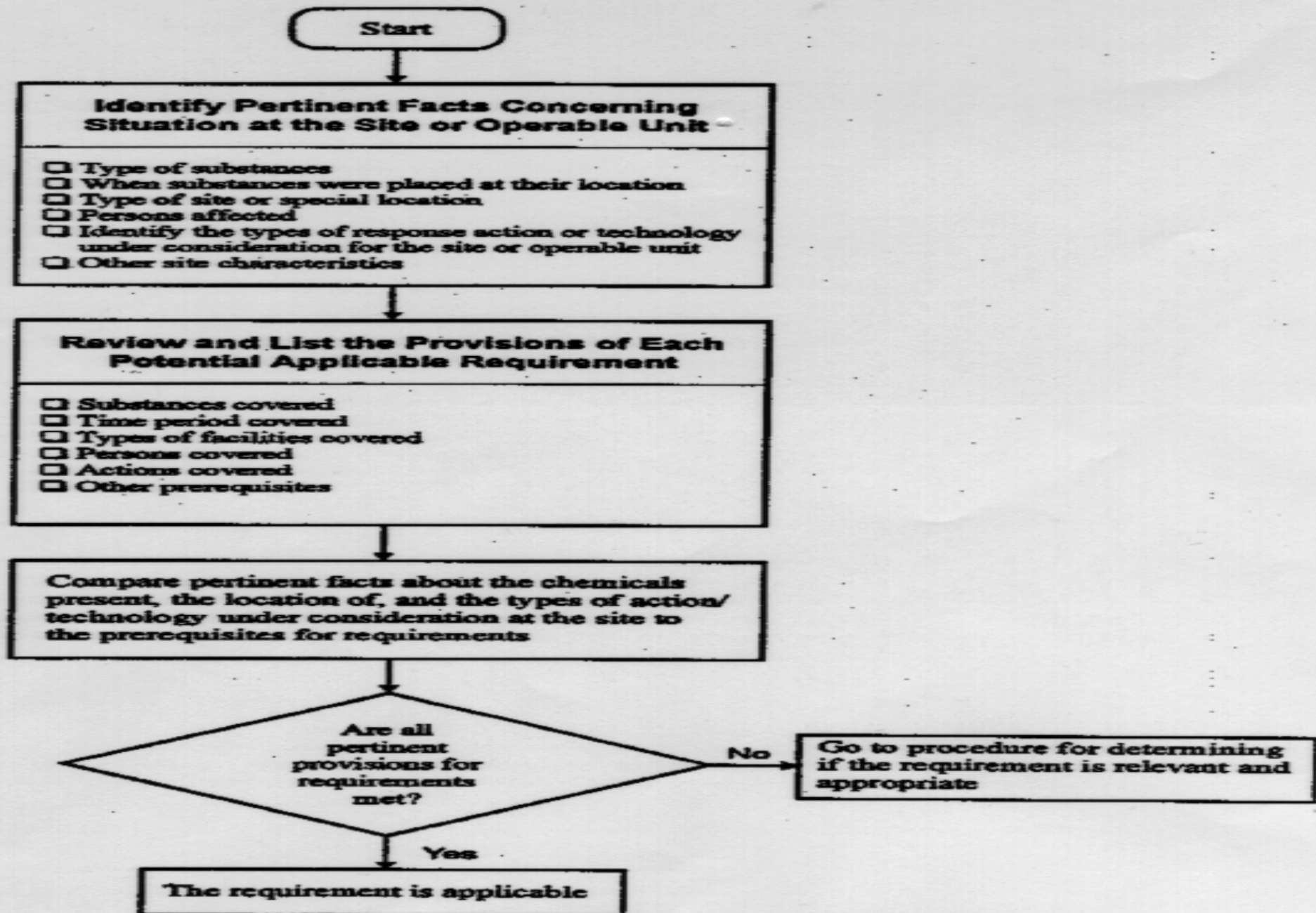
What Are ARARs?

Applicable Requirements

- Requirement that would be legally enforceable with respect to specific:
 - ➡ Responsible party taking response action and
 - ➡ Type of hazardous substance to be addressed or
 - ➡ Action being considered or
 - ➡ Location of the release or response action

What Are ARARs?

General Procedure for Determining if Requirement is Applicable



Relevant and Appropriate Requirements

Requirement not applicable but

- Relevant because it addresses similar circumstances and
- Appropriate because it is well suited to the site

What Are ARARs?

General Procedure for Determining if Requirement is Relevant and Appropriate

During the identification stage, for each requirement not found to be applicable, review the factors below to determine if the CERCLA problem situation is sufficiently similar to the problem that the requirement in question is designed to remedy or address.

Factors Relating to Origin and Objective of the Requirement in Question

- ☐ Specific goals and objective of the requirement
- ☐ Purpose of the requirement in the program of origin
- ☐ Media regulated/affected by the requirement
- ☐ Substances covered by the requirement
- ☐ Entities regulated/affected
- ☐ Action or activity regulated by the requirement
- ☐ Variances, waivers, or exemptions of the requirement
- ☐ Type of physical location regulated or affected
- ☐ Type of structure or facility regulated or affected
- ☐ Requirement's consideration of use or potential use of the affected resource

Factors Relating to Problem Present at CERCLA Site or Operable Unit that Must be Addressed by the Remedial Action

- ☐ Specific goals and objectives of the CERCLA remedial action at the site
- ☐ Use of the requirement at the site consistent with its purpose
- ☐ Media regulated/affected by cleanup
- ☐ Substances involved at the site
- ☐ Entities affected
- ☐ Remedial action contemplated at the site and duration of the activity
- ☐ Circumstance at the site (Do they fit the requirements for variances, waivers, or exceptions?)
- ☐ Type of physical location involved
- ☐ Type of structure or facility involved
- ☐ Use or potential use of the resource involved

Refine the comparison considering the nature/character of the substance(s), characteristics of the site, circumstances of the release, and the proposed response action.

Use best professional judgment based on consideration of the above factors. Is the requirement both relevant and appropriate?

Yes

The requirement is relevant and appropriate

No

The requirement is not relevant and appropriate

Try to subdivide the requirement into smaller parts that may be sufficiently similar, then analyze and compare

To Be Considered (TBCs)

- Non-promulgated advisories or guidance
 - ➡ Health-effects information
 - ➡ Technical information on how to perform response actions
 - ➡ Policy documents

What Are ARARs?

Conclusion

- ARARs establish minimum cleanup levels
- ARARs evaluated site by site

What Are ARARs?